



**NOTICE OF WORK-STUDY SESSION AND  
REGULAR SESSION OF THE  
FOUNTAIN HILLS PLANNING AND ZONING  
COMMISSION**

<i>Chairman Dennis Brown</i>	
<i>Commissioner Avril Forest</i>	<i>Vice Chairman Jerry Caldwell</i>
<i>Commissioner Michael Downes</i>	<i>Commissioner Paul McDonald</i>
<i>Commissioner John Ewald</i>	<i>Commissioner Michael Kasabuski</i>

TIME: 5:30 - 6:15 P.M. - WORK-STUDY SESSION

6:30 P.M. - REGULAR SESSION

WHEN: THURSDAY MAY 11, 2006

WHERE: **FOUNTAIN HILLS COUNCIL CHAMBERS**

**16705 E. AVENUE OF THE FOUNTAINS, FOUNTAIN HILLS, AZ**

**PROCEDURE FOR ADDRESSING THE COMMISSION**

Anyone wishing to speak before the Commission must fill out a speaker's card and submit it to the Clerk prior to Commission discussion of that Agenda item. Speaker Cards are located in the Council Chamber Lobby and near the Clerk's position on the dais.

Speakers will be called in the order in which the speaker cards were received either by the Clerk or the Chairman. At that time, speakers should stand and approach the podium. Speakers are asked to state their name prior to commenting and to direct their comments to the Presiding Officer and not to individual Commission Members. Speakers' statements should not be repetitive. *If a speaker chooses not to speak when called, the speaker will be deemed to have waived his or her opportunity to speak on the matter. Speakers may not (i) reserve a portion of their time for a later time or (ii) transfer any portion of their time to another speaker.*

**If there is a Public Hearing, please submit the speaker card to speak to that issue during the Public Hearing.**

Individual speakers will be allowed **three** contiguous minutes to address the Commission. Time limits may be waived by (i) *discretion of the Planning Administrator upon request by the speaker not less than 24 hours prior to a Meeting*, (ii) *consensus of the Commission at Meeting* or (iii) *the Chairman either prior to or during a Meeting*. Please be respectful when making your comments. If you do not comply with these rules, you will be asked to leave.

- **CALL TO ORDER** – Chairman Brown
- **ROLL CALL** – Chairman Brown

**1. TOPIC OF DISCUSSION BETWEEN STAFF AND THE PLANNING AND ZONING COMMISSION: “MAKING MOTIONS.”**

**2. ADJOURN WORK-STUDY**

- **CALL TO ORDER AND PLEDGE OF ALLEGIANCE** – Chairman Brown
- **MOMENT OF REFLECTION** – Chairman Brown
- **ROLL CALL** – Chairman Brown

**CALL TO THE PUBLIC**

Pursuant to A.R.S. §38-431-01(G), public comment is permitted (not required) on matters not listed on the agenda. Any such comment (i) must be within the jurisdiction of the Commission and (ii) is subject to reasonable time, place, and manner restrictions. The Commission will not discuss or take legal action on matters raised during “Call to the Public” unless the matters are properly noticed for discussion and legal action. At the conclusion of the call to the public, individual Commission members may (i) respond to criticism, (ii) ask staff to review a matter or (iii) ask that the matter be placed on a future Commission agenda.

**\*CONSENT AGENDA**

- \*1) CONSIDERATION** of approving the **PLANNING AND ZONING COMMISSION MEETING MINUTES** from April 27, 2006.

**REGULAR AGENDA**

- 2.) CONSIDERATION** of a **SPECIAL USE PERMIT** to allow “Pita House” restaurant to sell alcoholic beverages during meals within the C-1 Zoning District, located at 14835 E. Shea Boulevard, aka Fry’s Plaza. Case Number SU2006-05.
- 3.) COMMISSION DISCUSSION/DIRECTION** to the Planning and Zoning Administrator. Items listed below are related only to the propriety of (i) placing such items on a future agenda for action or (ii) directing staff to conduct further research and report back to the Commission.
- 4.) SUMMARY OF COMMISSION REQUESTS** by Planning and Zoning Administrator.
- 5.) ADJOURNMENT.**

**DATED** this 3<sup>rd</sup> day of May 2006

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Richard A.G. Turner, A.I.C.P.

The Town of Fountain Hills endeavors to make all public meetings accessible to persons with disabilities. Please call 837-2003 (voice) or 1-800-367-8939 (TDD) 48 hours prior to the meeting to request a reasonable accommodation to participate in this meeting or to obtain agenda information in large print format. *Supporting documentation and staff reports furnished the Commission with this agenda are available for review in the Planning Assistant’s office.*

**Town of Fountain Hills**  
**Planning and Zoning Commission: ☒      Board of Adjustment ☐**  
**Agenda Action Form**

**Meeting Type:** Regular Meeting

**Meeting Date:** May 11, 2006

**Submitting Department:** Planning & Zoning

**Contact Person:** Janice Baxter

**Consent:** ☒      **Regular:** ☐

**Recommendation to Town Council:** ☐

**Initiation:** ☐

**Approval:** ☒

**Report Only:** ☐

**Type of Document Needing Approval (Check all that apply):**

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Public Hearing                    | <input type="checkbox"/> Plat               | <input type="checkbox"/> Cut & Fill Waiver        |
| <input type="checkbox"/> General Plan Amendment            | <input type="checkbox"/> Condominium Plat   | <input type="checkbox"/> Variance                 |
| <input type="checkbox"/> Zoning Text Amendment             | <input type="checkbox"/> Concept Plan       | <input type="checkbox"/> Appeal of Admin Decision |
| <input type="checkbox"/> Zoning Map Amendment              | <input type="checkbox"/> Special Use Permit |   |
| <input type="checkbox"/> Subdivision Ordinance Amendment   | <input type="checkbox"/> Acceptance         |   |
| <input checked="" type="checkbox"/> Other: Meeting Minutes |   |   |

**Regular Agenda Wording:** CONSIDERATION of approving the PLANNING AND ZONING MEETING MINUTES from April 27, 2006.

**Staff Recommendation:** Approve

**Purpose of Item and Background Information:** Approve the Planning and Zoning meeting minutes for archival purposes.

**List All Attachments as Follows:** Original meeting minutes

**Type(s) of Presentation:**

**Signatures of Submitting Staff:**

\_\_\_\_\_  
Case Manager

\_\_\_\_\_  
Planning & Zoning Administrator

Town of Fountain Hills  
**Planning and Zoning Commission:** ☒ **Board of Adjustment** ☐  
**Agenda Action Form**

**Meeting Type:** Regular Meeting

**Meeting Date:** May 11, 2006

**Submitting Department:** Planning & Zoning

**Contact Person:** Bob Rodgers

**Consent:** ☐ **Regular:** ☒

**Recommendation to Town Council:** ☒

**Initiation:** ☐

**Approval:** ☐

**Report Only:** ☐

**Type of Document Needing Approval (Check all that apply):**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Public Hearing                  | <input type="checkbox"/> Plat                          | <input type="checkbox"/> Cut & Fill Waiver        |
| <input type="checkbox"/> General Plan Amendment          | <input type="checkbox"/> Condominium Plat              | <input type="checkbox"/> Variance                 |
| <input type="checkbox"/> Zoning Text Amendment           | <input type="checkbox"/> Concept Plan                  | <input type="checkbox"/> Appeal of Admin Decision |
| <input type="checkbox"/> Zoning Map Amendment            | <input checked="" type="checkbox"/> Special Use Permit |   |
| <input type="checkbox"/> Subdivision Ordinance Amendment | <input type="checkbox"/> Acceptance                    |   |
| <input type="checkbox"/> Other:                          |  |   |

**Regular Agenda Wording:** CONSIDERATION of a SPECIAL USE PERMIT to allow "Pita House" restaurant, 14835 E. Shea Blvd, to sell alcoholic beverages during meals within the C-1 Zoning District. Case #SU2006-05

**Staff Recommendation:** Approve

**Purpose of Item and Background Information:** This request is for a Special Use Permit to allow the restaurant to sell alcoholic beverages during meals.

**List All Attachments as Follows:** Staff Report, Application, Applicant's letter, Site Plan

**Type(s) of Presentation:** PowerPoint


**Signatures of Submitting Staff:**

  
Case Manager

  
Planning & Zoning Administrator



**TOWN OF FOUNTAIN HILLS  
PLANNING & ZONING COMMISSION  
STAFF REPORT**

<b>TO: Planning &amp; Zoning Commission</b>	<b>DATE: May 11, 2006</b>
<b>FROM: Robert Rodgers, Senior Planner</b> <b>THRU: Richard Turner,  Planning &amp; Zoning Administrator</b>	<b>RE: Pita House Special Use Permit</b> <b>Case #SU2006-05</b>

**LOCATION:**

14835 Shea Blvd; Southeast corner of Shea Blvd and Eagle Mountain Parkway; in Eagle Mountain Village Market Place. (AKA Fry's Plaza).

**REQUEST:**

Consideration of a Special Use Permit to allow alcoholic beverage sales and dispensing in Suite #102 of the Eagle Mountain Village Marketplace

**DESCRIPTION:**

**APPLICANT:** Marsha A. Randall  
**OWNER:** Elvis Kelechian  
**EXISTING ZONING:** "C-1" Neighborhood Commercial Zoning District  
**EXISTING CONDITION:** Vacant Suite in Existing Building

**SURROUNDING LAND USES AND ZONING:**

**NORTH:** Shea Blvd and Crestview Subdivision; zoned "R1-43 PUD & M-1"  
**SOUTH:** Eagle Mountain Golf Course; zoned "OSR".  
**EAST:** Eagle Mountain G. C. Driving Range; zoned "OSR".  
**WEST:** Eagle Mountain Golf Course; zoned "OSR".

**SUMMARY:**

Pita House will be a full service Mediterranean and Middle Eastern cuisine restaurant. The restaurant will be open from 11:00 AM to 9:00 PM, seven days a week.

This request is for approval of a Special Use Permit to allow alcoholic beverages to be dispensed and consumed on the premises of the future Pita House restaurant. This restaurant is proposed to be located at 14835 E. Shea Blvd, Suite #102 of "Shops A" at the Eagle Mountain Village Market. Pursuant to Section 12.04.A of the Town of Fountain Hills Zoning Ordinance, alcoholic beverage sales and dispensing are permitted in the "C-1" Neighborhood Commercial Zoning District subject to an approved Special Use Permit.

**EVALUATION:**

Pursuant to Section 2.02.D.5 of the Zoning Ordinance the Planning & Zoning Commission must find "that the establishment, maintenance, or operation of the use or building applied for will not be detrimental to the public health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, nor shall it be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the town."

The Commission may recommend to the Town Council any conditions in connection with the Special Use Permit as it deems appropriate to secure the intent and purposes of the zoning ordinance and may recommend such guarantees and evidence that such conditions are being or will be followed.

If the Commission finds that the application and supporting data do not indicate that all applicable conditions and requirements of the zoning ordinance will be met, it may recommend denial of the special use permit.

Staff has not received any letters in support of, or of protest to, this Special Use Permit request. The proposed location is not visible to the Eagle Mountain or the Crestview residential neighborhoods.

**FINDINGS:**

1. There are existing businesses within the commercial plaza, including another restaurant, that sells alcoholic beverages (See case #SU2001-16 Pei Wei Restaurant) without creating a situation detrimental to the health or general welfare of the town. Therefore, it is reasonable to allow another restaurant within the same commercial plaza to sell alcoholic beverages with their meals.
2. The plaza is surrounded by open space and the restaurant is not visible to any residential neighbors. Therefore, it is reasonable to assume that the restaurant will have minimal, or no, impacts on surrounding neighborhoods.
3. The sale of alcoholic beverages is a customary and incidental activity associated with restaurants. Therefore, it is reasonable to allow this restaurant to do the same.

**RECOMMENDATION:**

Staff does not foresee any adverse impacts arising from the issuance of the requested Special Use Permit. Staff recommends that the Planning & Zoning Commission forward a recommendation to the Town Council for approval of the Special Use Permit to allow alcoholic beverage sales and dispensing in a "C-1" Neighborhood Commercial Zoning District. Case #SU2006-05.

**Attachments:**

Application  
Letter of 4/21/06 from Marsha Randall  
Reduction of Site Plan of Eagle Mountain Village Market Place



# The Town of Fountain Hills

## PLANNING & ZONING DIVISION - APPLICATION

Do not write in this space - official use only  
 Filing Date \_\_\_\_\_  
 Accepted By \_\_\_\_\_  
 Fee Accepted \_\_\_\_\_  
 Case Manager \_\_\_\_\_

RECEIVED  
 APR 27 2006  
 FOUNTAIN HILLS  
 PLANNING & ZONING

<input type="checkbox"/> Abandonment (Plat or Condominium)	<input type="checkbox"/> Administrator's Interpretation or Appeal
<input type="checkbox"/> Area Specific Plan	<input type="checkbox"/> Condominium Plat
<input type="checkbox"/> Continuance Request	<input type="checkbox"/> Cut/Fill Waiver
<input type="checkbox"/> General Plan Amendment	<input type="checkbox"/> HPE Change or Abandonment
<input type="checkbox"/> Planned Unit Development	<input type="checkbox"/> Preliminary / Final Plat
<input type="checkbox"/> Rezoning	<input checked="" type="checkbox"/> Special Use Permit
<input type="checkbox"/> Temporary Use Permit	<input type="checkbox"/> Variance
<input type="checkbox"/> Other _____	

PROJECT NAME / NATURE OF PROJECT: Pita House Restaurant  
Series 12 Liquor License

LEGAL DESCRIPTION: Plat Name \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_  
 PROPERTY ADDRESS: 14835 E Shea Blvd #102 Fountain Hills, 85268  
 PARCEL SIZE (Acres) \_\_\_\_\_ ASSESSOR PARCEL NUMBER \_\_\_\_\_  
 NUMBER OF UNITS PROPOSED \_\_\_\_\_ TRACTS \_\_\_\_\_  
 EXISTING ZONING \_\_\_\_\_ PROPOSED ZONING \_\_\_\_\_

Applicant \_\_\_\_\_ Day Phone 480 730 2675  
 Mrs. Marsha A. Randall  
 Mr. \_\_\_\_\_ #268  
 Ms. Address: 1811 S. Alma School City: Mesa State: AZ Zip: 85210  
 Email: marsha.randall@azlic.com  
 Owner \_\_\_\_\_ Day Phone 602 524 3367  
 Mrs. Elvis Kelechian  
 Mr. \_\_\_\_\_  
 Ms. Address: 10720 N 110th Pl City: Scottsdale State: AZ Zip: 85259

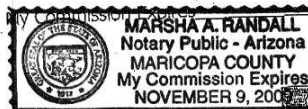
If application is being submitted by someone other than the owner of the property under consideration, the section below must be completed.

SIGNATURE OF OWNER \_\_\_\_\_ DATE 4-21-06

I HEREBY AUTHORIZE Marsha Randall TO FILE THIS APPLICATION.  
 Please Print

Subscribed and sworn before me this 21st day of April, 2006

Marsha Randall  
 Notary Public





ARIZONA LIQUOR  
INDUSTRY CONSULTANTS

P.O. Box 2502  
Chandler, Arizona 85244  
(480) 730-2675 Phone (480) 730-2676 Fax

April 21, 2006

Town of Fountain Hills Planning and Zoning  
16705 E. Avenues of the Fountains  
Fountain Hills, Arizona 85268

Dear Planning and Zoning Administrators:

On behalf of Pita House I am writing to you requesting a Series 12 Liquor Use Permit for this new location at 14835 East Shea Blvd, Suite 102 in Fountain Hills.

Pita House is a Mediterranean/middle eastern restaurant whose Scottsdale location has been named best Mediterranean/Middle Eastern restaurant in the valley of the sun by Good Morning Arizona.

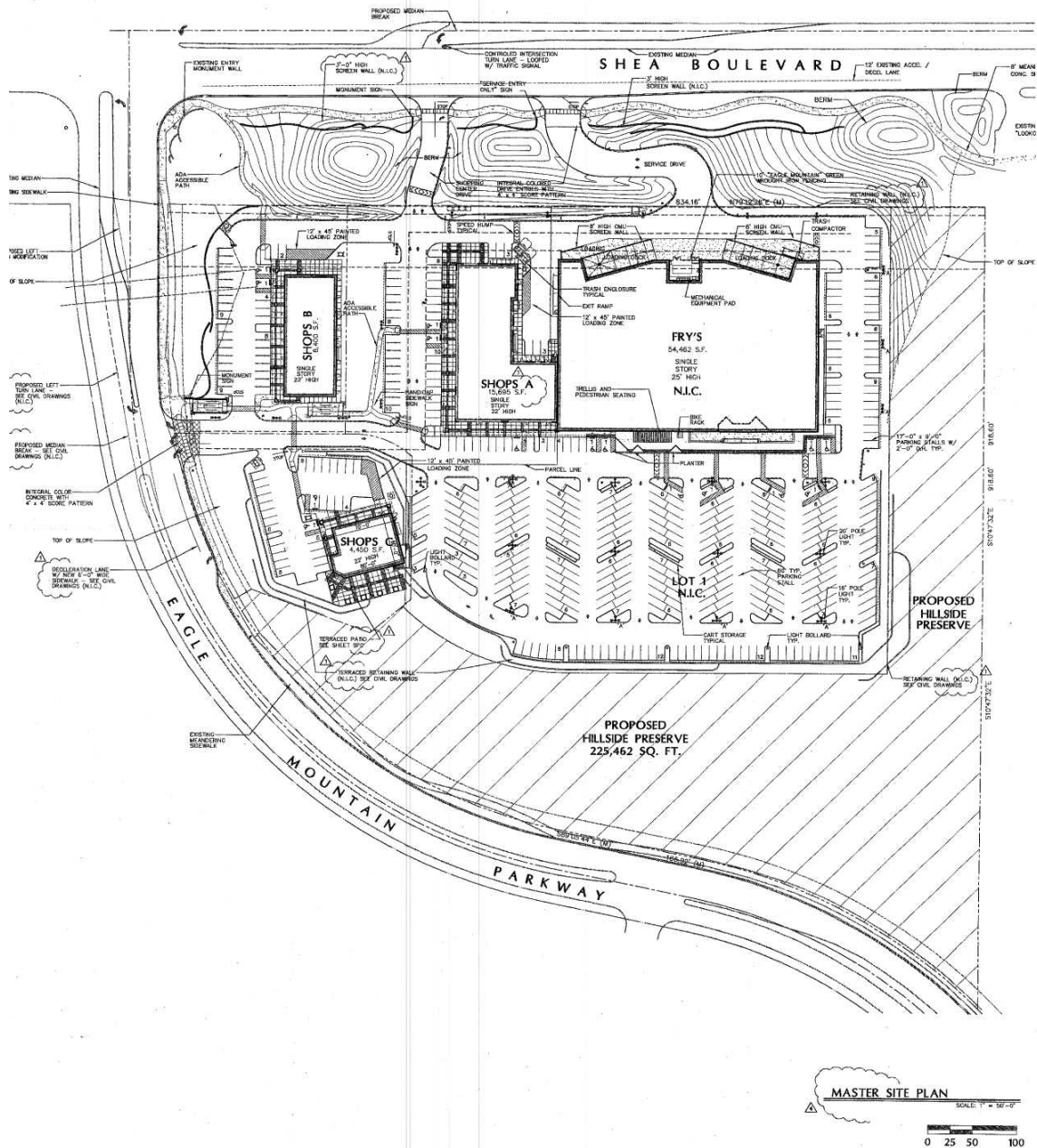
Pita House is a full service restaurant that will be open for business 11 a.m. to 9 p.m. 7 days a week. Pita House will employ 6 full time people.

Should you have any questions, please feel free to contact me at 480-730-2675.

Sincerely,

Marsha Randall  
Arizona Liquor Industry Consultants



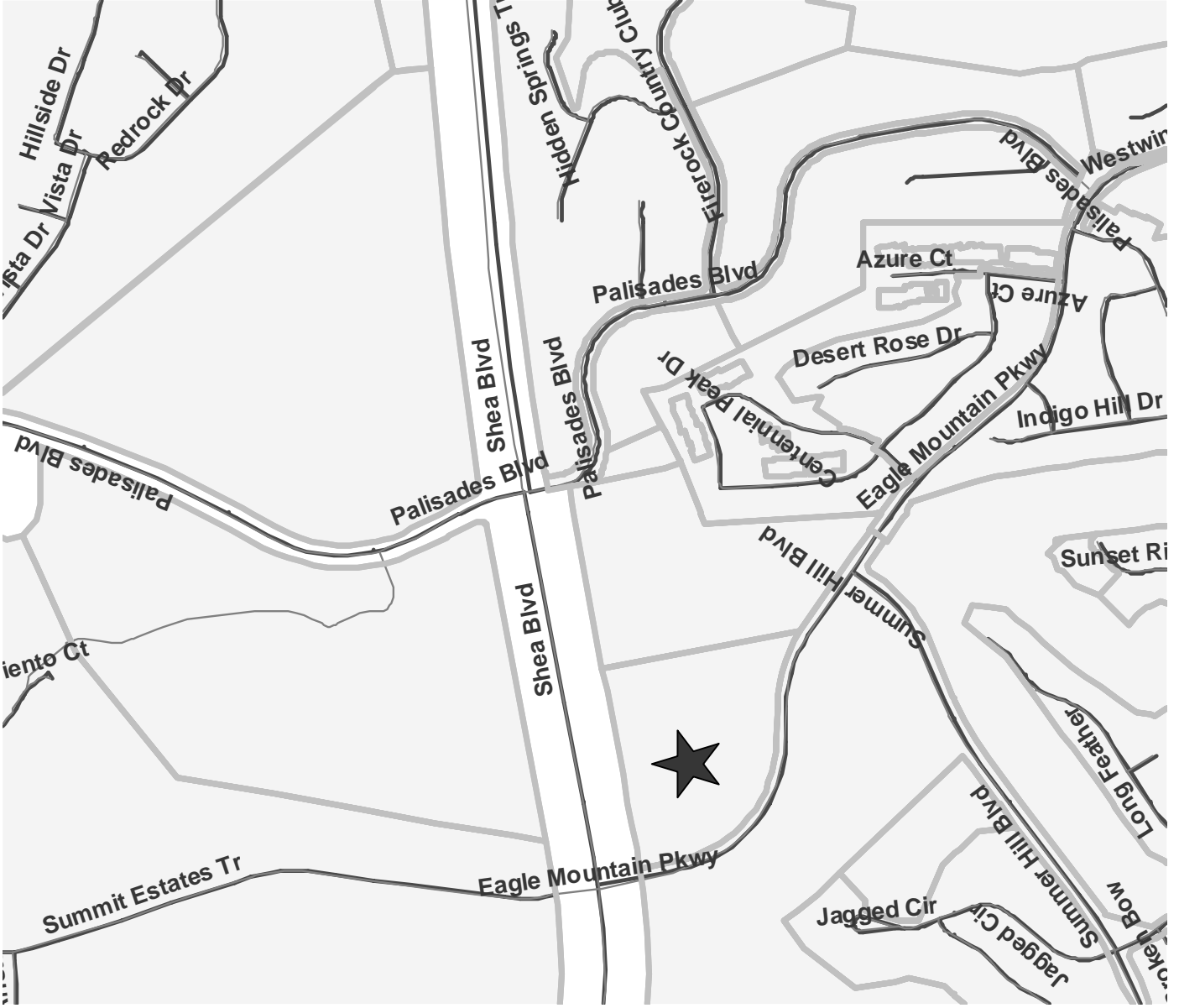


# **Town of Fountain Hills**

## **Staff Presentation**



**Pita House**  
**Special Use Permit**



Map

Aerial



102

THIS DOOR MUST REMAIN UNLOCKED DURING BUSINESS HOURS

A HOUSE

MEDITERRANEAN CUISINE

DINING

ROOM

PERMIT  
BP 05-1201

**ZONING**  
**NOTICE OF HEARING**  
DATE: MAY 12, 2006  
TIME: 2:30 PM  
PLACE: CITY CLERK'S OFFICE  
PHONE: 837-2003

**PITA HOUSE**  
MEDITERRANEAN CUISINE

APPETIZERS  
(Served with warm pita)

... (text continues) ...

PITA SANDWICHES  
VEGETARIAN DELICIOUS  
(Served with house dressing)

... (text continues) ...

DINNER PLATES  
(Served with salad and warm pita)

... (text continues) ...

SALADS

... (text continues) ...

PITA HOUSE  
MEDITERRANEAN CUISINE

Now  
480

2006 4 28

- **CALL TO ORDER** – Chairman Brown
- **ROLL CALL** – Chairman Brown

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**DATED** this 3<sup>rd</sup> day of May 2006

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Richard A.G. Turner, A.I.C.P.

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